



U.S. Department of Justice

*United States Attorney
Southern District of New York*

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TO BE FILED UNDER SEAL¹

January 8, 2018

By Hand and Via E-mail

The Honorable Alvin K. Hellerstein
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: United States v. Norman Seabrook and Murray Huberfeld, 16 Cr. 467 (AKH)

Dear Judge Hellerstein,

We write in response to defendant Murray Huberfeld's request for a modification of his bail conditions in the above-captioned matter. Huberfeld requests permission to travel to Israel, the latest in a sequence of increasingly frequent overseas trips during the pendency of the prosecution against him, in order to speak to his daughter, whom he last visited two weeks ago, in person. We oppose the request, as we respectfully submit that Huberfeld represents a risk of flight.

As the Court is aware, Huberfeld has been charged with participating in a scheme to bribe co-defendant Norman Seabrook, the powerful head of the largest correction officer's union in the nation, in order for Seabrook to steer investments of New York City's correction officers' retirement money into a hedge fund with which Huberfeld was associated. As part of the conduct alleged, Huberfeld reimbursed a third individual \$60,000 for cash in a luxury handbag that he handed to Seabrook in Seabrook's parked car as part of the illegal arrangement. The record at trial demonstrated, and there is no dispute as to this point, that Huberfeld -- a former executive at the hedge fund and a prominent philanthropist -- is a man of considerable financial means. His bail conditions reflect this, and Huberfeld has been able to supplement his bond with an additional million dollars on multiple occasions with apparent ease while taking his previous trips. Huberfeld's initial bail conditions also reflected his extensive international travels and ties overseas, particularly within Israel.

¹ The Government takes no position on defendant Huberfeld's request that his letter be filed under seal. We ask, given both the concerns behind Huberfeld's request and the general preference for public disclosure expressed within the governing case law, that this letter be filed under seal if the Court determines to file Huberfeld's letter under seal, and that it be filed on the public docket if the Court decides otherwise.

As the Court is also aware, this matter was tried once before, concluding in a mistrial on November 16, 2017. Huberfeld has had the opportunity to see the full presentation of the evidence against him, including the testimony of a cooperating witness who directly named him as a participant in the scheme. Huberfeld is also doubtless aware of the published reports indicating that the jury was split 10-2 in favor of conviction on the lead charge against him and his co-defendant, honest services fraud conspiracy. *See, e.g.*, Kaja Whitehouse and Laura Italiano, "Norman Seabrook's bribery case declared a mistrial," NEW YORK POST, Nov. 16, 2017, <https://nypost.com/2017/11/16/norman-seabrooks-bribery-case-declared-a-mistrial/>, last accessed January 5, 2018.

The calculus as to whether a defendant represents a flight risk shifts, of course, based on the weight and perceived weight of the evidence against him. *See* 18 U.S.C. § 3142(g)(2). The reports concerning the jury split can only further incentivize Huberfeld to consider flight. The initial conditions recognized his significant wealth and resources and extensive overseas ties, all factors that remain significant strikes against letting him travel overseas. The Government also notes its concern that since the trial's conclusion, Huberfeld has sought permission to travel to Israel for reasons less acute than Huberfeld's pre-trial travel to Israel for his father's burial, to which the Government did not object.

The Government is not asking that the defendant be detained, or even that he be kept from traveling within the United States as circumstances warrant. In light of factors that identify a bona fide risk of flight, the Government merely requests that the thoughtfully considered bail conditions in place to assure the defendant's appearance be enforced.

Very truly yours,

GEOFFREY S. BERMAN
United States Attorney



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